

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DOMINGO VARGAS,</b>	:	<b>No. 3:17cv607</b>
<b>Petitioner</b>	:	
	:	<b>(Judge Munley)</b>
<b>v.</b>	:	
	:	<b>:(Magistrate Judge Saporito)</b>
<b>WARDEN K. LANE,</b>	:	
<b>Respondent</b>	:	

.....

**ORDER**

**AND NOW**, to wit, this 13<sup>th</sup> day of August 2019, we have before us for disposition Magistrate Judge Joseph F. Saporito, Jr.'s report and recommendation, which proposes the denial of Domingo Vargas's petition for a writ of habeas corpus. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 14) is **ADOPTED**;

2) Domingo Vargas's petition for a writ of habeas corpus (Doc. 1) is **DENIED** and **DISMISSED WITH PREJUDICE**;

3) Due to our order and the reasoning in the report and recommendation, we decline to issue a certificate of appealability; and

4) The Clerk of Court is directed to close this case.

**BY THE COURT:**



**JUDGE JAMES M. MUNLEY**  
**United States District Court**